

Message

From: Hengst, Benjamin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C414E2BF04A246BB987D88498EEFF06-HENGST, BENJAMIN]
Sent: 11/14/2013 4:44:30 PM
To: Beauvais, Joel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=088a99c4b0f04e2aa5784349bccf7b95-Beauvais, Joel]
CC: Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]; Argyropoulos, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0149b93d2780437a9c2b6d8477df7991-pargyrop]
Subject: Fw: 11/14 EPA response pertaining to 2014 RFS Volume Standards [RIN2060-AR76]
Attachments: EO12866_RFS 2014 Annual Rule 2060-AR76 NPRM FRN_20131114.docx

Package is back over at OMB.

Ex. 5 - Deliberative Process

From: Ghanta, Venu
Sent: Thursday, November 14, 2013 11:22:32 AM
To: Whiteman, Chad
Cc: Argyropoulos, Paul; Machiele, Paul; Korotney, David; Burkholder, Dallas; Hengst, Benjamin; Farber, Glenn; Nagelhout, Peter; Hannon, John; Dubois, Roland; Simon, Karl
Subject: 11/14 EPA response pertaining to 2014 RFS Volume Standards [RIN2060-AR76]

Hi Chad-

Please find attached clean and redline versions of our passback.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Again, we can be ready to upload to ROCIS when you give the word.

Thanks, Venu

Message

From: Orlin, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AA64DAD518D64C5F9801EB9BB15B7EC3-DORLIN]
Sent: 11/14/2017 4:13:07 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]; Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
Subject: RE: Ergon West Virginia small refinery litigation

Hi Mandy,

Deliberative -- Attorney Client / Ex. 5

I hope that's helpful—let me know if you'd like to discuss further,

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

From: Gunasekara, Mandy
Sent: Friday, November 10, 2017 10:39 AM
To: Orlin, David <Orlin.David@epa.gov>
Cc: Baptist, Erik <baptist.erik@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: Ergon West Virginia small refinery litigation

Hey David,

Thank you for this update.

Deliberative -- Attorney Client / Ex. 5

Deliberative -- Attorney Client / Ex. 5

Best,
Mandy

From: Orlin, David

Sent: Monday, October 23, 2017 10:01 AM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Cc: Baptist, Erik <baptist.erik@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>

Subject: Ergon West Virginia small refinery litigation

Mandy,

Deliberative -- Attorney Client / Ex. 5

Let me know if you'd like discuss further.

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

Message

From: Mills, Derek [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B8B3681245C47D18908FD79DB50A843-MILLS, DERE]
Sent: 10/23/2017 1:16:54 PM
To: Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]; Trudeau, Shaun [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15644442a1194d7e9f07b0f9fc172d6d-Trudeau, Sh]
CC: Albores, Richard [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ce14f8709a5e4ac383af9d0b767fd8af-Ralbor02]
Subject: RE: CTS Item on Ergon-West Virginia, Inc. v. EPA/Challenge to denial of small refinery exemption under RFS program needs >> ERIK BAPTIST'S (approver 1 of 1) << Approval by 10/24/2017

Thanks Erik. I will clear this in CTS with comments, and will upload your version with your comment so that ARLO will receive your feedback.

Derek Mills

Special Assistant, Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-3341

From: Baptist, Erik
Sent: Sunday, October 22, 2017 3:49 PM
To: Trudeau, Shaun <Trudeau.Shaun@epa.gov>
Cc: Mills, Derek <Mills.Derek@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Subject: RE: CTS Item on Ergon-West Virginia, Inc. v. EPA/Challenge to denial of small refinery exemption under RFS program needs >> ERIK BAPTIST'S (approver 1 of 1) << Approval by 10/24/2017

I have one comment in the attached. Thanks.

Erik Baptist

Senior Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Trudeau, Shaun
Sent: Friday, October 20, 2017 4:38 PM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Mills, Derek <Mills.Derek@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Subject: FW: CTS Item on Ergon-West Virginia, Inc. v. EPA/Challenge to denial of small refinery exemption under RFS program needs >> ERIK BAPTIST'S (approver 1 of 1) << Approval by 10/24/2017

Submitted by: Susan Stahle
Due date: 10/24/2017 at 6:00PM

“Attached is EPA's response brief for the lawsuit above in which Ergon-West Virginia, Inc. (EWV) petitioned for review of EPA's denial of its petition for an exemption from its 2016 RFS obligations under the CAA. The filing deadline is Monday, October 30, 2016. DOJ sent this version of the brief to Chris Vaden today for his review. DOJ plans to send the final version of the brief to its front office for its review and approval next Tuesday, October 24, 2017.

Deliberative Process / Ex. 5

Also attached is EWV's incoming brief and the decision document which is being challenged in this lawsuit.”

Shaun R. Trudeau

Attorney-Advisor
Special Assistant to the Principal Deputy
Office of General Counsel
U.S. Environmental Protection Agency
Office: 202.564.5127

From: Susan Stahle [<mailto:Stahle.Susan@epamail.epa.gov>]

Sent: Friday, October 20, 2017 4:28 PM

To: Baptist, Erik <baptist.erik@epa.gov>

Cc: Veney, Carla <Veney.Carla@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Trudeau, Shaun <Trudeau.Shaun@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; OGC CTS ARLO <OGC_CTS_ARLO@epamail.epa.gov>; Orlin, David <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Ryland Li <Li.Ryland@epamail.epa.gov>

Subject: CTS Item on Ergon-West Virginia, Inc. v. EPA/Challenge to denial of small refinery exemption under RFS program needs >> ERIK BAPTIST'S (approver 1 of 1) << Approval by 10/24/2017

Susan Stahle has submitted a package with the case name/subject of Ergon-West Virginia, Inc. v. EPA/Challenge to denial of small refinery exemption under RFS program.

Please click the link below to see the routing and transmittal record for this package. After reviewing the package please:

- * go to the Routed To section;
- * route 1 line; and
- * select the Add Comments button, or the Make Decision button.

LINK -> <Notes://DCOGCLN1/FrontOff/OGCCTS.nsf/0/B869ACF32869BAFB852581BF0061A800>

Message

From: Baptist, Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10FC1B085EE14C6CB61DB378356A1EB9-BAPTIST, ER]
Sent: 10/21/2017 11:36:09 PM
To: Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]
CC: Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]; Srinivasan, Gautam [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d69332838210416ba51779b19025f832-GSRINIVA]
Subject: RE: CTS Item on Ergon-West Virginia, Inc. v. EPA/Challenge to denial of small refinery exemption under RFS program needs >> ERIK BAPTIST'S (approver 1 of 1) << Approval by 10/24/2017

Thanks. Can someone please let Mandy know

Deliberative Process / Ex. 5

Erik Baptist
Senior Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

-----Original Message-----

From: Orlin, David
Sent: Friday, October 20, 2017 5:01 PM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Stahle, Susan <Stahle.Susan@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: Re: CTS Item on Ergon-West Virginia, Inc. v. EPA/Challenge to denial of small refinery exemption under RFS program needs >> ERIK BAPTIST'S (approver 1 of 1) << Approval by 10/24/2017

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I am copying Sue, who had the discussions with DOJ, in case she wants to correct or supplement anything I've said.

Let me know if you'd like discuss further.

David Orlin

> On Oct 20, 2017, at 4:40 PM, Baptist, Erik <baptist.erik@epa.gov> wrote:

>

> David,

>

> Did you reach out to EWV about a potential abeyance?

>

> Erik Baptist

> Senior Deputy General Counsel

> Office of General Counsel

> U.S. Environmental Protection Agency

> 1200 Pennsylvania Ave., NW

> Washington, DC 20460

> (202) 564-1689

> baptist.erik@epa.gov

>

> From: Trudeau, Shaun

> Sent: Friday, October 20, 2017 4:38 PM

> To: Baptist, Erik <baptist.erik@epa.gov>

> Cc: Mills, Derek <Mills.Derek@epa.gov>; Albores, Richard

> <Albores.Richard@epa.gov>

> Subject: FW: CTS Item on Ergon-West Virginia, Inc. v. EPA/Challenge to
> denial of small refinery exemption under RFS program needs >> ERIK
> BAPTIST'S (approver 1 of 1) << Approval by 10/24/2017
>
> Submitted by: Susan Stahle
> Due date: 10/24/2017 at 6:00PM
>
> "Attached is EPA's response brief for the lawsuit above in which Ergon-West Virginia, Inc. (EWV)
petitioned for review of EPA's denial of its petition for an exemption from its 2016 RFS obligations
under the CAA. The filing deadline is Monday, October 30, 2016.
> DOJ sent this version of the brief to Chris Vaden today for his review. DOJ plans to send the final
version of the brief to its front office for its review and approval next Tuesday, October 24, 2017.

Deliberative Process / Ex. 5

> Also attached is EWV's incoming brief and the decision document which is being challenged in this
lawsuit."

>
>
> Shaun R. Trudeau
> Attorney-Advisor
> Special Assistant to the Principal Deputy Office of General Counsel
> U.S. Environmental Protection Agency
> Office: 202.564.5127
>
> From: Susan Stahle [mailto:Stahle.Susan@epamail.epa.gov]
> Sent: Friday, October 20, 2017 4:28 PM
> To: Baptist, Erik <baptist.erik@epa.gov<mailto:baptist.erik@epa.gov>>
> Cc: Veney, Carla <Veney.Carla@epa.gov<mailto:Veney.Carla@epa.gov>>;
> Fotouhi, David <Fotouhi.David@epa.gov<mailto:Fotouhi.David@epa.gov>>;
> Mills, Derek <Mills.Derek@epa.gov<mailto:Mills.Derek@epa.gov>>;
> Schwab, Justin <Schwab.Justin@epa.gov<mailto:Schwab.Justin@epa.gov>>;
> Patrick, Monique
> <Patrick.Monique@epa.gov<mailto:Patrick.Monique@epa.gov>>; Albores,
> Richard <Albores.Richard@epa.gov<mailto:Albores.Richard@epa.gov>>;
> Trudeau, Shaun <Trudeau.Shaun@epa.gov<mailto:Trudeau.Shaun@epa.gov>>;
> Stahle, Susan <Stahle.Susan@epa.gov<mailto:Stahle.Susan@epa.gov>>; OGC
> CTS ARLO
> <OGC_CTS_ARLO@epamail.epa.gov<mailto:OGC_CTS_ARLO@epamail.epa.gov>>;
> Orlin, David <Orlin.David@epa.gov<mailto:Orlin.David@epa.gov>>;
> Srinivasan, Gautam
> <Srinivasan.Gautam@epa.gov<mailto:Srinivasan.Gautam@epa.gov>>; Ryland
> Li <Li.Ryland@epamail.epa.gov<mailto:Li.Ryland@epamail.epa.gov>>
> Subject: CTS Item on Ergon-West Virginia, Inc. v. EPA/Challenge to
> denial of small refinery exemption under RFS program needs >> ERIK
> BAPTIST'S (approver 1 of 1) << Approval by 10/24/2017
>
>

> Susan Stahle has submitted a package with the case name/subject of Ergon-West Virginia, Inc. v.
EPA/Challenge to denial of small refinery exemption under RFS program.

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reviewing the package please:

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>
> LINK ->
> Notes://DCOGCLN1/FrontOff/OGCCTS.nsf/0/B869ACF32869BAFB852581BF0061A80
> 0 <EWV litigation - EPA response brief - draft - 102017.docx>
> <2017.09.13 17-1839 Sealed Brief for Petitioner.pdf> <EWV 2016 RFS
> Decision.pdf>

Message

From: Baptist, Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10FC1B085EE14C6CB61DB378356A1EB9-BAPTIST, ER]
Sent: 10/20/2017 8:40:12 PM
To: Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]
Subject: FW: CTS Item on Ergon-West Virginia, Inc. v. EPA/Challenge to denial of small refinery exemption under RFS program needs >> ERIK BAPTIST'S (approver 1 of 1) << Approval by 10/24/2017
Attachments: EWV litigation - EPA response brief - draft - 102017.docx; 2017.09.13 17-1839 Sealed Brief for Petitioner.pdf; EWV 2016 RFS Decision.pdf

David,

Deliberative Process -- Attorney Client / Ex. 5

Erik Baptist

Senior Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Trudeau, Shaun
Sent: Friday, October 20, 2017 4:38 PM
To: Baptist, Erik <baptist.erik@epa.gov>
Cc: Mills, Derek <Mills.Derek@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Subject: FW: CTS Item on Ergon-West Virginia, Inc. v. EPA/Challenge to denial of small refinery exemption under RFS program needs >> ERIK BAPTIST'S (approver 1 of 1) << Approval by 10/24/2017

Submitted by: Susan Stahle
Due date: 10/24/2017 at 6:00PM

“Attached is EPA's response brief for the lawsuit above in which Ergon-West Virginia, Inc. (EWV) petitioned for review of EPA's denial of its petition for an exemption from its 2016 RFS obligations under the CAA. The filing deadline is Monday, October 30, 2016. DOJ sent this version of the brief to Chris Vaden today for his review. DOJ plans to send the final version of the brief to its front office for its review and approval next Tuesday, October 24, 2017.

DOJ also notes the following about this version of the brief: **Attorney Client / Ex. 5**

Attorney Client / Ex. 5

2) DOJ has not yet run a proof or cite check of this version and has not yet reviewed it for Bluebook compliance. Also attached is EWV's incoming brief and the decision document which is being challenged in this lawsuit.”

Shaun R. Trudeau
Attorney-Advisor

Special Assistant to the Principal Deputy
Office of General Counsel
U.S. Environmental Protection Agency
Office: 202.564.5127

From: Susan Stahle [<mailto:Stahle.Susan@epamail.epa.gov>]

Sent: Friday, October 20, 2017 4:28 PM

To: Baptist, Erik <baptist.erik@epa.gov>

Cc: Veney, Carla <Veney.Carla@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Trudeau, Shaun <Trudeau.Shaun@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; OGC CTS ARLO <OGC_CTS_ARLO@epamail.epa.gov>; Orlin, David <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Ryland Li <Li.Ryland@epamail.epa.gov>

Subject: CTS Item on Ergon-West Virginia, Inc. v. EPA/Challenge to denial of small refinery exemption under RFS program needs >> ERIK BAPTIST'S (approver 1 of 1) << Approval by 10/24/2017

Susan Stahle has submitted a package with the case name/subject of Ergon-West Virginia, Inc. v. EPA/Challenge to denial of small refinery exemption under RFS program.

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- * select the Add Comments button, or the Make Decision button.

LINK -> <Notes://DCOGCLN1/FrontOff/OGCCTS.nsf/0/B869ACF32869BAFB852581BF0061A800>

Message

From: Lyons, Troy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=15E4881C95044AB49C6C35A0F5EEF67E-LYONS, TROY]
Sent: 4/25/2018 10:13:08 PM
To: Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]; Baptist, Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=10fc1b085ee14c6cb61db378356a1eb9-Baptist, Er]
Subject: FW: Administrators Budget Hearing Binder Docs
Attachments: 04-17-2018 - FY2019 Budget Overview_OCIR Edits.docx; 04-17-2018 - House Budget Hearing Program Cheat Sheets V4 OCIR.DOCX; 04-17-2018 - FY19 Budget Hearing HOT TOPICS OCIR Updated.docx

OCIR shared the Hot Topics and Program cheat sheets with OCFO given this is a joint OCIR/OCFO effort

From: Ringel, Aaron
Sent: Tuesday, April 17, 2018 11:30 AM
To: Lyons, Troy <lyons.troy@epa.gov>; Greaves, Holly <greaves.holly@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Administrators Budget Hearing Binder Docs

Here are all the docs I have for the administrators binder. I'll defer to Troy on whether we want to

Deliberative Process / Ex. 5

Let me know if there are any additional changes or edits anyone thinks we should make!

Thanks,
Aaron

Aaron E. Ringel
Deputy Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

W: 202.564.4373
Ringel.Aaron@epa.gov

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 2/19/2015 5:46:12 PM
To: Manners, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebdb1392504a4b71894970b1a7bb186c-Manners, Mary]; Brooks, Phillip [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e89130d467df414390f076286d938815-Brooks, Phillip]; Kodish, Jeff [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1c291cb168784a25b4e3575df4b94915-Kodish, Jeff]; Thompson, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f96bb89976344a60bfe4f8ea5dc4664b-Thompson, Christopher]
Subject: FW: Review Requested: RIN Market Assessment Report
Attachments: RIN Market Assessment Report_NREL Review_2_10_2015_Clean.docx

Please close hold. This is an early DOE draft for EPA review.

From: Hengst, Benjamin
Sent: Wednesday, February 18, 2015 9:56 PM
To: Lie, Sharyn; Shell, Michael; Shelby, Michael
Cc: Burkholder, Dallas; Weihrauch, John; Bunker, Byron; Simon, Karl
Subject: Fw: Review Requested: RIN Market Assessment Report

I see that Chris Ramig was on the original distribution list, so perhaps you all saw this already, but I wanted to make sure various folks knew about this. From a very quick scan it covers a lot of material of interest to us (obviously).

Ben

From: Burkholder, Dallas
Sent: Tuesday, February 17, 2015 4:50 PM
To: Machiele, Paul; Korotney, David; Hengst, Benjamin; Argyropoulos, Paul
Subject: FW: Review Requested: RIN Market Assessment Report

Below is an email I received from someone at BETO (DOE) requesting review of a report they put together on the RIN market. I haven't read through it yet, so I have no idea what it says, but thought I'd at least let you all know this was coming. From the email it sounds like they are planning to release the report in March or April. I'll try to look through it quickly to see if there is anything in here that looks problematic.

From: Lindauer, Alicia [<mailto:Alicia.Lindauer@ee.doe.gov>]
Sent: Monday, February 16, 2015 7:31 PM
To: Burkholder, Dallas
Cc: Ramig, Christopher; Warner, Ethan (NREL)
Subject: Review Requested: RIN Market Assessment Report

Dear Mr. Burkholder,

I believe that you are aware of the RIN market assessment that has been funded by the Department of Energy's Bioenergy Technology Office and was presented to the EPA in July 2014. Attached is the draft technical report "Renewable Identification Number (RIN) Market Assessment and Retrospective" that has resulted from this work. This

technical report is the result of joint research by the National Renewable Energy Laboratory, Idaho National Laboratory, and Oak Ridge National Laboratory. I am writing to request your review of this report before it goes to publication.

Report Description: The report explores what policies, economic factors, and externalities have influenced RIN market prices, thereby potentially have affected the biofuel industry. To that end, the report:

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-
-

Deliberative Process / Ex. 5

Length: The report is 103 pgs and ~32,000 words.

Review Scope: **Deliberative Process / Ex. 5**
issues technical and communication issues. The report will go through subsequent editorial reviews so no need to focus on those issues.

We would greatly appreciate any comments on all sections of the report, but we realize that with the length of the report, guidance on prioritization might be needed. Below are descriptions of each major section of the report along with what level of scrutiny they deserve.

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-

Deliberative Process / Ex. 5

Review Timeline: We would appreciate receiving comments by March 2nd. We are aiming for March/April publication and have several subsequent review steps to complete post-March 2nd.

Thanks you for any comments and feedback you are able to provide.

Alicia

Alicia Lindauer

Bioenergy Technologies Office
Energy Efficiency and Renewable Energy
U.S. Department of Energy

Phone: 720.356.1356 | Mobile: **Personal Privacy / Ex 6**

Email: alicia.lindauer@ee.doe.gov

Message

From: Nelson, Karen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3492ADEE9FAB4A02956FCF63F0DE048B-NELSON, KAR]
Sent: 11/29/2018 7:43:52 PM
To: Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Cohen, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d94b854e69cd4f9e80db946bf9d1c1b2-Cohen, Janet]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Machiele, Paul [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b71a67c326714ebbaa72eda552e55282-Machiele, Paul]
CC: Le, Madison [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9297d8b52bcb41319ba40d11142ab307-Le, Madison]; Burkholder, Dallas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=667ef175292d4784997e454a9985b3b3-Burkholder, Dallas]; Weihrauch, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=74d426b7439045d9a0a65b186ea68b21-Jweihrau]; Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]
Subject: RE: close to final (?) draft opposition for PRUITT litigation
Attachments: ENV_DEFENSE-#857803-v2-PU_-_EPA_Opp_to_Stay_Mot_-_Draft_KN.doc

Sorry for the late response, but I found (and fixed in redline) a small typo on page 6.

Thanks! -Karen

From: Orlin, David
Sent: Thursday, November 29, 2018 12:59 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>
Cc: Le, Madison <Le.Madison@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>
Subject: RE: close to final (?) draft opposition for PRUITT litigation

Here is a clean version of the current draft declaration if you want to include it (to go with the clean draft opp).

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

From: Hengst, Benjamin
Sent: Thursday, November 29, 2018 12:54 PM
To: Orlin, David <Orlin.David@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>
Cc: Le, Madison <Le.Madison@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>
Subject: RE: close to final (?) draft opposition for PRUITT litigation

I can send a quick note to Mandy/Harlow as an FYI. I'll copy you and Sue.

From: Orlin, David

Sent: Wednesday, November 28, 2018 10:39 PM

To: Cohen, Janet <cohen.janet@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

Cc: Le, Madison <Le.Madison@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>

Subject: close to final (?) draft opposition for PRUITT litigation

Thank you all so much for the quick turnaround on the draft opposition as well as the declaration. Attached is a draft of the brief from DOJ which

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Attorney Client / Ex. 5

Byron— are you available Friday and/or Monday to sign the declaration, once it's ready?

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Attorney Client / Ex. 5

Ben—

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

Message

From: Orlin, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AA64DAD518D64C5F9801EB9BB15B7EC3-DORLIN]
Sent: 3/10/2017 7:13:56 PM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
CC: Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]
Subject: RE: Updated 1.5 pager on RFS Small Refinery Hardships

Me too (could change "a new threshold" to "a new approach" in the first line, but that is such a small point I hesitate to mention it)

Thanks

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

From: Hengst, Benjamin
Sent: Friday, March 10, 2017 2:08 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>
Subject: RE: Updated 1.5 pager on RFS Small Refinery Hardships

Looks good to me.

From: Grundler, Christopher
Sent: Friday, March 10, 2017 2:07 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Re: Updated 1.5 pager on RFS Small Refinery Hardships

Unless I hear further suggestions I will send to sarah at 3

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

On Mar 10, 2017, at 2:06 PM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Attached is an updated draft that accepts Chris edits and cleans up a few formatting issues. This is good to go from my perspective.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Grundler, Christopher
Sent: Friday, March 10, 2017 12:55 PM
To: Bunker, Byron <bunker.byron@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: Updated 1.5 pager on RFS Small Refinery Hardships

See my edits/question. These are aimed at making this more dispassionate

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202.564.1682 (Washington, DC)
734.214.4207 (Ann Arbor, MI)

From: Bunker, Byron
Sent: Friday, March 10, 2017 10:53 AM
To: Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: Updated 1.5 pager on RFS Small Refinery Hardships

Attached is an updated draft rolling in edits from everyone. I have also copied Ben's suggested transmittal note into the body of this note.

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Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Orlin, David
Sent: Thursday, March 09, 2017 6:48 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: Updated 1.5 pager on RFS Small Refinery Hardships

Here are my thoughts. Hope they are helpful and timely (they are somewhat extensive but feel free to take any or none of them).

Attorney Client / Ex. 5

I also added some intro language and a bullet at the end on the idea that option 3 is less defensible.

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

From: Stahle, Susan
Sent: Thursday, March 09, 2017 4:14 PM
To: Bunker, Byron <bunker.byron@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Updated 1.5 pager on RFS Small Refinery Hardships

Some thoughts on this paper.

Susan Stahle
Attorney-Advisor
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-1272 (ph)
202-564-5603 (fax)
stahle.susan@epa.gov

From: Bunker, Byron
Sent: Thursday, March 09, 2017 1:52 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Stahle, Susan

<Stahle.Susan@epa.gov>

Subject: Updated 1.5 pager on RFS Small Refinery Hardships

Attached is an updated draft that attempts to get at our keypoints from the call today in as short a format as possible. I have tried to balance conveying all of the information the Administrator deserves to understand with the knowledge that **Deliberative Process / Ex. 5**

I have looked quickly at **PBI / Ex. 4** application and I believe accurately conveyed it in this document. I am going to spend some more time later reviewing to triple check that is the case.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

<RFS Small Refinery Hardship - Options for New Approval Criteria 3-10.docx>

Message

From: Hengst, Benjamin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C414E2BF04A246BB987D88498EEFF06-HENGST, BENJAMIN]
Sent: 3/8/2017 2:01:43 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
Subject: Re: RFS hardship denial recommendation

Only for the sheer joy of it

If hardship comes up I can cover it and get back to you. No need for you to join

On Mar 8, 2017, at 8:10 AM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Hi Ben,

Is there any reason I should plan to join the 2018 RVO prebrief? Do we expect Sarah to ask about RFS hardships and/or do we want to raise it? I am planning to skip unless you let me know otherwise.

Thanks,

Byron

From: Grundler, Christopher
Sent: Tuesday, March 07, 2017 10:17 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Re: RFS hardship denial recommendation

Okay. Makes sense

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

On Mar 7, 2017, at 9:52 PM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Ben and I discussed it a little this afternoon. If you ask Sue she will say it is totally

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

Byron

Sent from my iPhone

On Mar 7, 2017, at 9:38 PM, Grundler, Christopher <grundler.christopher@epa.gov> wrote:

Ben-I read his more thoroughly and it does seem a bit off and not precisely how we would have described our analysis. Am interested in Byron's take

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

On Mar 7, 2017, at 3:46 PM, Hengst, Benjamin
<Hengst.Benjamin@epa.gov> wrote:

Byron—sounds good, you and I can talk at our 4pm.

I thought the 1-pager slightly mischaracterized things—was that just me? Not worth flagging, but just wanted to confirm my reading.

From: Bunker, Byron
Sent: Tuesday, March 07, 2017 3:37 PM
To: Grundler, Christopher
<grundler.christopher@epa.gov>; Hengst, Benjamin
<Hengst.Benjamin@epa.gov>
Subject: RE: RFS hardship denial recommendation

This looks like they took a pretty thoughtful approach to summarizing what we sent forward. That is very good to see.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Grundler, Christopher
Sent: Tuesday, March 07, 2017 1:40 PM
To: Bunker, Byron <bunker.byron@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: FW: RFS hardship denial recommendation

See attachment developed by OP and Schnare

From: Dunham, Sarah
Sent: Tuesday, March 07, 2017 8:39 AM
To: Grundler, Christopher
<grundler.christopher@epa.gov>; Lewis, Josh
<Lewis.Josh@epa.gov>
Subject: Fwd: RFS hardship denial recommendation

FYI. This looks like it draws from what we sent forward.

Begin forwarded message:

From: "Schnare, David"
<schnare.david@epa.gov>
Date: March 7, 2017 at 8:17:12 AM EST
To: "Jackson, Ryan"
<jackson.ryan@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>,
"Dravis, Samantha"
<dravis.samantha@epa.gov>
Cc: "Dunham, Sarah"
<Dunham.Sarah@epa.gov>
Subject: RFS hardship denial recommendation

Please provide me your
recommendation per the attached. It
would be very helpful to deal with this
today.

Deliberative Process / Ex. 5

dschnare

Message

From: Grundler, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3BE58C2CC8545D88CF74F3896D4460F-GRUNDLER, CHRISTOPHER]
Sent: 3/6/2017 1:29:11 AM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
Subject: Fwd: small refinery hardship petition criteria (contains CBI)

Let's talk on Monday

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

Begin forwarded message:

From: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Date: March 5, 2017 at 8:04:41 PM EST
To: "Grunder, Christopher" <grunder.christopher@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Cc: "Lewis, Josh" <Lewis.Josh@epa.gov>
Subject: Fwd: small refinery hardship petition criteria (contains CBI)

I'm not sure what the prospects of getting an actual briefing but I assume that would be best given we've already tried the approach of just sending materials. Let me know how you'd like to proceed.

From: "Jackson, Ryan" <jackson.ryan@epa.gov>
Date: March 5, 2017 at 6:48:38 PM EST
To: "Dunham, Sarah" <Dunham.Sarah@epa.gov>, "Schnare, David" <schnare.david@epa.gov>, "Flynn, Mike" <Flynn.Mike@epa.gov>, "Connors, Sandra" <Connors.Sandra@epa.gov>
Subject: RE: small refinery hardship petition criteria (contains CBI)

Thank you for this.

These waivers are going to be a matter of major interest to Pruitt.

Deliberative Process / Ex. 5

We will be traveling all Monday and Tuesday. Let me know if you'd like to talk to get more information.

Thank you.

From: Dunham, Sarah

Sent: Friday, March 3, 2017 6:39 PM

To: Schnare, David <schnare.david@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>

Subject: small refinery hardship petition criteria (contains CBI)

Hi-

Sorry for the Friday evening email, but I wanted to follow-up on the RFS small

Deliberative Process / Ex. 5

Evaluating Small Refinery RFS Hardship Petitions

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Grundler, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3BE58C2CC8545D88CF74F3896D4460F-GRUNDLER, CHRISTOPHER]
Sent: 3/8/2017 2:31:03 AM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
CC: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
Subject: Re: RFS hardship denial recommendation

Did you clear up your question on this Ben?

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

On Mar 7, 2017, at 3:46 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Byron—sounds good, you and I can talk at our 4pm.

I thought the 1-pager slightly mischaracterized things—was that just me? Not worth flagging, but just wanted to confirm my reading.

From: Bunker, Byron
Sent: Tuesday, March 07, 2017 3:37 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: RE: RFS hardship denial recommendation

This looks like they took a pretty thoughtful approach to summarizing what we sent forward. That is very good to see.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Grundler, Christopher
Sent: Tuesday, March 07, 2017 1:40 PM
To: Bunker, Byron <bunker.byron@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: FW: RFS hardship denial recommendation

See attachment developed by OP and Schnare

From: Dunham, Sarah
Sent: Tuesday, March 07, 2017 8:39 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: Fwd: RFS hardship denial recommendation

FYI. This looks like it draws from what we sent forward.

Begin forwarded message:

From: "Schnare, David" <schnare.david@epa.gov>
Date: March 7, 2017 at 8:17:12 AM EST
To: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>
Cc: "Dunham, Sarah" <Dunham.Sarah@epa.gov>
Subject: RFS hardship denial recommendation

Please provide me your recommendation per the attached. It would be very helpful to deal with this today.

Deliberative Process / Ex. 5

dschnare

Message

From: Grundler, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3BE58C2CC8545D88CF74F3896D4460F-GRUNDLER, CHRISTOPHER]
Sent: 3/10/2017 1:00:48 AM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
CC: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]; Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]; Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]
Subject: Re: Updated 1.5 pager on RFS Small Refinery Hardships

The glass is half empty

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. Environmental Protection Agency
202/564-1682 (Washington DC)
734/214-4207 (Ann Arbor MI)

On Mar 9, 2017, at 7:55 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

After I sent my email, I did realize that the document has "Refinery Grant Options" in large font on the top of the page....so maybe my critical reading ability is suffering.

From: Bunker, Byron
Sent: Thursday, March 9, 2017 7:53:55 PM
To: Hengst, Benjamin
Cc: Orlin, David; Stahle, Susan; Grundler, Christopher
Subject: Re: Updated 1.5 pager on RFS Small Refinery Hardships

Good point. The document by nature of the issues comes across very much as a glass half empty view. The cover note is a good way to address that perception.

Sent from my iPhone

On Mar 9, 2017, at 7:50 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Bunker, Byron
Sent: Thursday, March 9, 2017 7:14:31 PM
To: Orlin, David
Cc: Stahle, Susan; Grundler, Christopher; Hengst, Benjamin
Subject: Re: Updated 1.5 pager on RFS Small Refinery Hardships

Thanks David.

I will circulate an updated draft based on everyone's input first thing tomorrow morning.

Thanks,

Byron

Sent from my iPhone

On Mar 9, 2017, at 6:48 PM, Orlin, David <Orlin.David@epa.gov> wrote:

Here are my thoughts. Hope they are helpful and timely (they are somewhat extensive but feel free to take any or none of them).

Attorney Client / Ex. 5

David Orlin
U.S. EPA, Office of General Counsel
(202) 564-1222

From: Stahle, Susan
Sent: Thursday, March 09, 2017 4:14 PM
To: Bunker, Byron <bunker.byron@epa.gov>; Grundler, Christopher

<grundler.christopher@epa.gov>; Hengst, Benjamin
<Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>
Subject: RE: Updated 1.5 pager on RFS Small Refinery Hardships

Some thoughts on this paper.

Susan Stahle
Attorney-Advisor
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-1272 (ph)
202-564-5603 (fax)
stahle.susan@epa.gov

From: Bunker, Byron
Sent: Thursday, March 09, 2017 1:52 PM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>
Subject: Updated 1.5 pager on RFS Small Refinery Hardships

Deliberative Process / Ex. 5

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

<RFS Small Refinery Hardship - Options for New Approval
Criteria v2 (ss 030917)+do.docx>

Message

From: Cohen, Janet [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D94B854E69CD4F9E80DB946BF9D1C1B2-COHEN, JANET]
Sent: 3/7/2017 9:31:28 PM
To: Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
CC: Manners, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebdb1392504a4b71894970b1a7bb186c-Manners, Mary]
Subject: RE: RFS hardship denial recommendation

Thanks Byron. Just a few suggestions on little points of accuracy, if such is still possible/desirable:

Deliberative Process / Ex. 5

- J. -

From: Bunker, Byron
Sent: Tuesday, March 07, 2017 3:40 PM
To: Cohen, Janet <cohen.janet@epa.gov>
Cc: Manners, Mary <manners.mary@epa.gov>
Subject: FW: RFS hardship denial recommendation

I think this summary looks pretty good and well respects the good work the team put into these. Please thank them for that

From: Grundler, Christopher
Sent: Tuesday, March 07, 2017 1:40 PM
To: Bunker, Byron <bunker.byron@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: FW: RFS hardship denial recommendation

See attachment developed by OP and Schnare

From: Dunham, Sarah
Sent: Tuesday, March 07, 2017 8:39 AM
To: Grundler, Christopher <grundler.christopher@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: Fwd: RFS hardship denial recommendation

FYI. This looks like it draws from what we sent forward.

Begin forwarded message:

From: "Schnare, David" <schnare.david@epa.gov>
Date: March 7, 2017 at 8:17:12 AM EST
To: "Jackson, Ryan" <jackson.ryan@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>

Cc: "Dunham, Sarah" <Dunham.Sarah@epa.gov>

Subject: RFS hardship denial recommendation

Please provide me your recommendation per the attached. It would be very helpful to deal with this today.

Deliberative Process / Ex. 5

dschnare

Message

From: Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: 3/23/2017 12:43:14 AM
To: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
CC: Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]; Bunker, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddf7bcf023d241a9a477a2dc75d5901c-Bunker, Byron]
Subject: Re: Rfs waivers

I don't have any concerns with sending Al the material you used with Mandy and Byron. I would flag that we have been trying for a long time to get a decision and that starting a new review process at this time is maybe not so helpful given the looming compliance date.

On Mar 22, 2017, at 8:39 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

Sarah--as you can see from below, Al is asking us for info on the small refinery hardship decisions.

Deliberative Process / Ex. 5

Please let me know if you have any concerns with this.

Thanks

Ben

From: McGartland, Al
Sent: Wednesday, March 22, 2017 8:21 PM
To: Hengst, Benjamin
Cc: Argyropoulos, Paul; Nagelhout, Peter
Subject: Re: Rfs waivers

Deliberative Process / Ex. 5

If this doesn't help I can get more details tomorrow.

Sent from my iPhone

> On Mar 22, 2017, at 8:14 PM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

>

> Hi Al -- can you pls be more specific? Which waivers? For volumes in the annual rules?

>

>> On Mar 22, 2017, at 8:10 PM, McGartland, Al <McGartland.Al@epa.gov> wrote:

>>

>> Hi Paul and Ben. You may be aware that some of the new political leadership wants us to review the rfs waivers. Can you send everything we need to see ? Please advise.

>>

>> Sent from my iPhone

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 3/10/2017 3:23:07 PM
To: Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]
CC: Cook, Leila [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d4536ad140a1461781d78ca67921b02f-Cook, Leila]; Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]
Subject: FW: PBI / Ex. 4 complaint --can you review again somewhat quickly?
Attachments: 2017-03-10_FCA compare v13 to v15 for OTAQ and OGC.docx; 2017-03-09_FCA Complaint 1.0v15..DOCX; 2017-03-07_FCA Complaint_1_0v13_OGC comments.docx

Passing this along as an FYI (and for your reading if interested). I think this is good news on timing with DOJ. We will be reviewing and turning around comments this morning.

The Small Refinery Hardship document is done save one number that I really want to have and the team is scrambling to get for me. It will be coming shortly.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Caballero, Kathryn
Sent: Friday, March 10, 2017 10:05 AM
To: Orlin, David <Orlin.David@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Wehrly, Linc <wehrly.linc@epa.gov>; Kataoka, Mark <Kataoka.Mark@epa.gov>
Cc: Meisenbach, Caitlin <Meisenbach.Caitlin@epa.gov>; Kane, Eleanor <kane.eleanor@epa.gov>; Belser, Evan <Belser.Evan@epa.gov>
Subject: PBI / Ex. 4 complaint --can you review again somewhat quickly?

Deliberative Process / Ex. 5

We understand that you may have other work planned for today, and if you can't respond by midday or COB, please let us know when you will have a chance to review it.

Thanks very much for your help.

Kathryn Pirrotta Caballero
Senior Attorney
U.S. EPA Office of Civil Enforcement
Air Enforcement Division
(w) 202-564-1849

Mailing address:
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2242A)
Washington, DC 20460

Courier and express deliveries:
U.S. Environmental Protection Agency
Clinton Building - South
1200 Pennsylvania Avenue, NW
Room 1147A
Washington, DC 20004

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 3/16/2017 8:32:23 PM
To: Dunham, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a9444681441e4521ad92ae7d42919223-SDUNHAM]
CC: Hengst, Benjamin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c414e2bf04a246bb987d88498eefff06-Hengst, Benjamin]; Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]
Subject: Re: RFS Small Refinery Question

That sounds good. I will be sure to be at my desk **Ex. 6** Byron has a video unit I can reserve one here.

Thanks,

Byron

Sent from my iPhone

On Mar 16, 2017, at 4:30 PM, Dunham, Sarah <Dunham.Sarah@epa.gov> wrote:

FYI. We'll plan on calling you Byron if that makes sense.

From: Brown, Byron
Sent: Thursday, March 16, 2017 4:13 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: RFS Small Refinery Question

That works. Yes, I'm in 3304. Thanks.

From: Dunham, Sarah
Sent: Thursday, March 16, 2017 4:11 PM
To: Brown, Byron <brown.byron@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: RFS Small Refinery Question

11:00 would work great. I'd likely bring Ben Hengst, and if possible have Byron Bunker on the phone (from our Ann Arbor office). Should we come to your office?

From: Brown, Byron
Sent: Thursday, March 16, 2017 4:03 PM
To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: RFS Small Refinery Question

I should have time Friday morning between 10 am and 12 noon, if sometime during that block works for you.

From: Dunham, Sarah
Sent: Thursday, March 16, 2017 12:12 PM
To: Brown, Byron <brown.byron@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>
Subject: RE: RFS Small Refinery Question

I can come down and talk to you whenever you are available—I could bring someone from our Office of Transportation and Air Quality as well

From: Brown, Byron

Sent: Thursday, March 16, 2017 11:07 AM

To: Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>

Subject: RFS Small Refinery Question

Hi Sarah and Josh – Ryan asked me to get up to speed on some small refinery exemption requests. (I understand David Schnare may have already been briefed on the issue.) Whom would be the best person I could talk with to find out what the issues are? Thanks.

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

Message

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]
Sent: 10/4/2018 6:42:34 PM
To: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clin]
CC: Haman, Patricia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ebb27cd881d41b19a30a491dc3f3f57-phaman]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: RE: ADDITIONAL OMB FOLLOW-UP: Administrator Wheeler EPW Hearing QFRs OMB Passback

I'm not adding any additional information to either the draft questions or the BS questions from whoever the OMB is working on this. They can look up the RIN number if they want. The answers are as responsive as we are going to be.

From: Frye, Tony (Robert)
Sent: Thursday, October 4, 2018 2:21 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Cc: Haman, Patricia <Haman.Patricia@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: ADDITIONAL OMB FOLLOW-UP: Administrator Wheeler EPW Hearing QFRs OMB Passback

Hello All – Additional follow up from OMB:

22. On March 14, 2018, I wrote with several of my colleagues to former EPA Administrator Scott Pruitt about our deep concern over the reversal of the EPA's longstanding policy under Section 112 of the Clean Air Act to continuously regulate hazardous air pollution from major industrial sources. We believe revoking the "once in, always in" policy will lead to greater levels of arsenic, lead, mercury, and almost two hundred other air toxic pollutants in communities around the United States. In the letter, we asked that the "once in, always in" policy be reinstated at least until EPA has performed, and received public comment on, a thorough analysis of the expected increases in air toxic pollution and its corresponding impacts on human health.
- When former EPA Administrator Scott Pruitt was before the EPW Committee on January 30, 2018, he acknowledged the agency failed to do any analysis before making its ill-advised decision. Please provide all EPA analysis and modeling of the impacts of this policy change, including cancer and other human health effects, environmental effects, effects on state air pollution emissions, cost-benefit analysis, and effects on interstate emissions. If none still exists today, I request that EPA complete such analysis and provide a timeline for completion.
 - How many individual facilities in the country were considered a "major source" under Section 112 on January 24, 2018?
 - Please identify, as of January 24, 2018, how many of the "major source" facilities identified in question 1(b) had complied with one or more MACT standards with the result being the source no longer emits more than 10 tons per year of any hazardous air pollutant or more than 25 tons per year of any combination of hazardous air pollutants? Please group these facilities by source categories (for example, there were X number of chemical plants meeting a MACT standard that resulted in lower emissions than the major source threshold).

- d. Please provide state-by-state data and a national total for facilities identified in 1(c)
- e. Please provide the potential maximum amount of pollution increases for all 187 hazardous air pollutants as a result of EPA's decision to revoke the "once in, always in" policy.
- f. How much additional particulate matter, ozone, lead and other criteria pollution will be added to the atmosphere as a result of revoking the "once in, always in" policy?
- g. Under the new memorandum, have any major source facilities in the power plant source category requested to be re-designated as an area source? If so, please provide a list of all such facilities, also indicating whether EPA has approved the re-designation.
- h. Under the new memorandum how many major sources facilities, other than facilities in the power plant source category, have asked to be re-designated as an area source? Please provide a list of all facilities, also indicating whether EPA has approved the re-designation.

(b) (5)

39. In April, EPA issued a policy statement announcing that it would proactively address congressional directives and stakeholder concerns, by treating biogenic emissions from forest biomass as carbon

neutral in a forthcoming regulatory action. What is the timeframe in which we can expect the proposed regulation will issue?

(b) (5)

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6

From: Gunasekara, Mandy
Sent: Tuesday, October 2, 2018 3:44 PM
To: Schwab, Justin <Schwab.Justin@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Cc: Haman, Patricia <Haman.Patricia@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Administrator Wheeler EPW Hearing QFRs OMB Passback

I like that better. OCIR, I incorporated Justin's suggestion in the below. Clint – anything else?

From: Schwab, Justin
Sent: Tuesday, October 2, 2018 3:40 PM
To: Palich, Christian <palich.christian@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Woods, Clint <woods.clint@epa.gov>
Cc: Haman, Patricia <Haman.Patricia@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Administrator Wheeler EPW Hearing QFRs OMB Passback

I'd change accordingly (but this is not crucial):

(b) (5)

(b) (5)

From: Palich, Christian

Sent: Tuesday, October 2, 2018 12:58 PM

To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>

Cc: Haman, Patricia <Haman.Patricia@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: RE: Administrator Wheeler EPW Hearing QFRs OMB Passback

Thanks Mandy!

Justin/Clint, trying to get this back to OMB today, you ok with below?

Christian R. Palich

Deputy Associate Administrator

Office of Congressional & Intergovernmental Affairs

U.S Environmental Protection Agency

O: 202.564.4944

C: Ex. 6
E: Palich.Christian@epa.gov

From: Gunasekara, Mandy

Sent: Tuesday, October 2, 2018 10:15 AM

To: Frye, Tony (Robert) <frye.robert@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>

Cc: Palich, Christian <palich.christian@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: RE: Administrator Wheeler EPW Hearing QFRs OMB Passback

My edits and responses to OMB are included below. Clint – anything on your end? Also, Justin I’m looping you in to only review the response to 65 (since I invoked OGC). Let me know if you have any edits with that one?

Once Justin/Clint sign off, this is good to go.

Thanks!

From: Frye, Tony (Robert)

Sent: Thursday, September 27, 2018 12:29 PM

To: Woods, Clint <woods.clint@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>

Cc: Palich, Christian <palich.christian@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: Administrator Wheeler EPW Hearing QFRs OMB Passback

Hello Air Team – OMB reviewed Administrator Wheeler’s QFR responses from his EPW hearing on 8.1.2018 and had the following questions and feedback. Let us know if you have any responses or updates by noon tomorrow, 9.28.2018, so we can get them back for review by Administrator Wheeler this weekend. Thank you in advance!

2. On June 29, 2018, EPA published a report entitled, “Biofuels and the Environment: Second Triennial Report to Congress.” The report documents how activities associated with biofuel production and use have negatively affected the environment. Specifically, it shows how activities associated with biofuel production and use have reduced air quality, polluted waters, destroyed wildlife habitat and ecosystems,

and depleted already stressed aquifers. Has EPA evaluated how a RVP waiver for fuels with more than ten percent ethanol would affect demand for biofuel feedstocks and the use of biofuels, and, in turn, make the impacts to the environment worse? If not, will EPA do so before issuing a RVP waiver for these fuels?

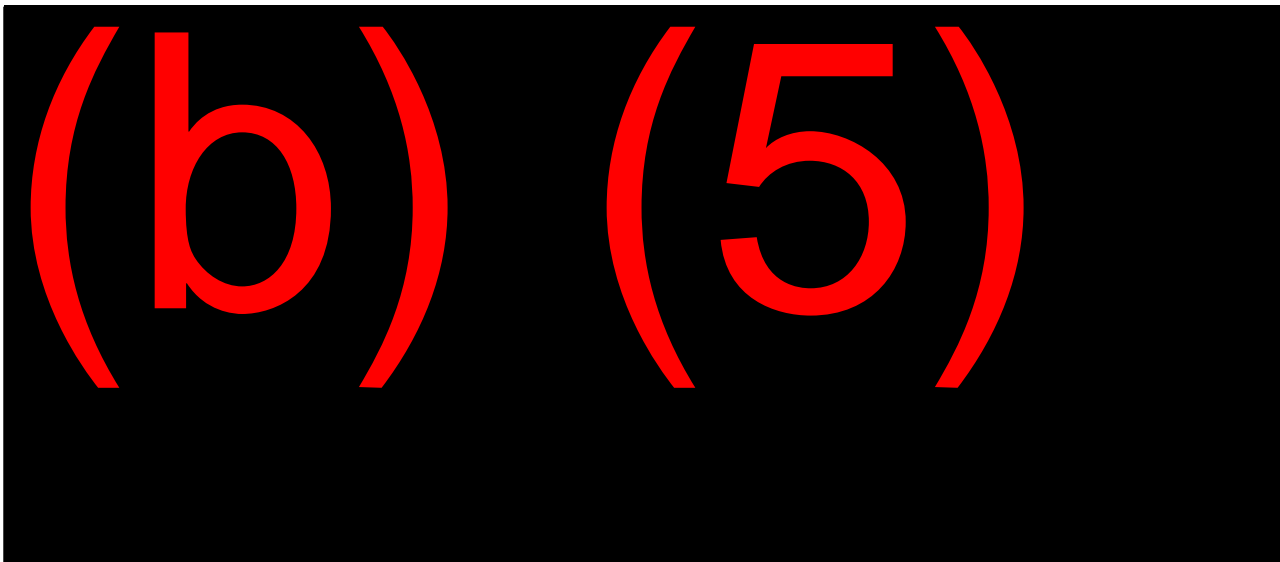
(b) (5)

3. EPA is currently taking public comment on its proposed renewable fuel volume obligations for 2019 and biomass-based diesel volume obligations for 2020. EPA issued this proposal three days before issuing its second triennial report to Congress on biofuels and the environment.
 - a. How does EPA plan to incorporate the findings of its second triennial report into the final renewable fuel volume obligations for 2019 and biomass-based diesel volume obligations for 2020?

(b) (5)

- b. Will EPA seek to mitigate the impacts to the environment, as documented in the second triennial report, in its final volume obligations for 2019 and 2020, respectively?

(b) (5)



21. During the development of the “Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-26 Passenger Cars and Light Trucks”, EPA officials met with OMB and NHTSA officials to convey their concerns about the proposal several times. They left numerous documents with OMB officials that are now part of the rulemaking docket^[1]. These documents indicate that there are significant problems with the model that was used by NHTSA to develop the proposal to freeze fuel economy and greenhouse gas tailpipe standards from 2020-26. One such example is a document titled “Email_5_-_Email_from_William_Charmley_to_Chandana_Achanta_-_June_18,_2018%20(1).pdf”. This 122 page long document includes a number of PowerPoint presentations EPA made to OMB and NHTSA staff along with additional documentation and analysis.

- a. The document notes that “EPA analysis to date shows significant and fundamental flaws in CAFE model (both the CAFE version and the “GHG version”).... These flaws make the CAFE model unusable in current form for policy analysis and for assessing the appropriate level of the CAFE or GHG standards.” Do you believe that each of these flaws were fully remedied before the rules were proposed? If so, please list the specific remedies that addressed each of EPA’s concerns. If not, will you ensure that all necessary technical input from EPA’s Office of Transportation and Air Quality is incorporated into the final rule in order to ensure that the rule cannot be successfully over-turned in court on grounds that the model on which it is based is significantly or fundamentally flawed?
- b. One of the main contributors to the NHTSA conclusions that the augural standards would cause thousands of additional deaths is NHTSA’s “consumer choice” module, which asserts that making the fleet more fuel efficient will cause people to keep their less safe, older vehicles for longer, and that this will mean there are more unsafe vehicles on the road (because newer vehicles have more safety technologies). The document states that EPA believed this NHTSA model was flawed, because it predicts an additional 26 million non-existent vehicles would be in the 2016 fleet and 46 million additional non-existent vehicles in the 2030 fleet. For context, this would represent a 15-20% increase in registered vehicles. The document also notes that this problem appeared to be un-remedied several months after EPA first raised it. Was this problem remedied in the proposed rule? If so, how? If not, will you ensure that it is remedied before the EPA rule is finalized in order to avoid litigation that will result in the rule being overturned on grounds that the model on which it is based is significantly or fundamentally flawed?
- c. The document also found that NHTSA’s consumer choice model predicts an unexplained, and apparently fictitious 10-15% increase in vehicle miles traveled (VMT). Specifically, the model somehow predicts people will drive an extra 239 billion miles in 2016 and 302 billion more

^[1] <https://www.regulations.gov/document?D=EPA-HQ-OAR-2018-0283-0453>

miles in 2030. The increased deaths associated with higher efficiency standards in the NHTSA model are highly correlated to VMT (more driving equals more accidents equals more deaths). It would thus seem that EPA believes that the NHTSA safety numbers are predicated on an entirely fictitious driving scenario. Was this problem remedied in the proposed rule? If so, how? If not, will you ensure that it is remedied before the EPA rule is finalized in order to avoid litigation that will result in the rule being overturned on grounds that the model on which it is based is significantly or fundamentally flawed?

- d. The document also notes that NHTSA does not accurately model the manner in which automobile manufacturers trade credits as part of their compliance strategies, observing that NHTSA does not assume that compliance credits are traded between manufacturers' car and truck fleets (which is what manufacturers currently do), and that this has the effect of overestimating compliance costs. Was this problem remedied in the proposed rule? If so, how? If not, will you ensure that it is remedied before the EPA rule is finalized in order to avoid litigation that will result in the rule being overturned on grounds that the model on which it is based is significantly or fundamentally flawed?
- e. The document observes that NHTSA's model overestimates the costs of particular technologies compared to their actual costs and use in the real world. The model also reportedly selects the most expensive technology packages to meet the standards, which overestimates the most cost-effective ways to do so by \$1-2,000 per vehicle. Do you agree that manufacturers would be more likely to select the most cost-effective set of technologies with which to meet standards, rather than the least cost-effective set of technologies? If not, why not? Was this problem remedied in the proposed rule? If so, how? If not, will you ensure that it is remedied before the EPA rule is finalized in order to avoid litigation that will result in the rule being overturned on grounds that the model on which it is based is significantly or fundamentally flawed?
- f. The document stated that the NHTSA model omitted the benefits of some fuel-efficient technologies entirely, while others were erroneously inputted into the model. For example, 'start/stop' technology, a technology that causes engines to automatically shut off while vehicles are stopped in traffic (and thus use no fuel), is estimated to have a negative effect on fuel-efficiency, which is simply not plausible. Were these problems remedied in the proposed rule? If so, how? If not, will you ensure that they are remedied before the EPA rule is finalized in order to avoid litigation that will result in the rule being overturned on grounds that the model on which it is based is significantly or fundamentally flawed?
- g. The document observed that NHTSA's model appears to add vehicle miles travelled in unexplained ways. For example, it observed that as many as 25 billion more miles of driving were predicted in a given year, even when the rebound effect (a measure of how much extra driving consumers are expected to do as a result of having more fuel-efficient vehicles) was set to 0 percent. The document observes that NHTSA's model actually predicts *less* driving when the rebound effect was set to 20 percent (meaning 20% more driving by consumers in more fuel-efficient vehicles would have been included in the model) than when it was kept to 0 percent. This suggests that NHTSA's model is incapable of predicting anything accurately, separate and apart from whether one agrees with its policy premise. Was this problem remedied in the proposed rule? If so, how? If not, will you ensure that it is remedied before the EPA rule is finalized in order to avoid litigation that will result in the rule being overturned on grounds that the model on which it is based is significantly or fundamentally flawed?
- h. The document states that NHTSA's "Proposed standards are detrimental to safety, rather than beneficial" once NHTSA's modeling errors were corrected. In fact, EPA found that the proposed standards result in "an average increase of 17 fatalities per year in VYs 2036-2045" relative to the current standards. Do you agree with this conclusion? If not, why not?
- i. The document states that the NHTSA model projects that the current standards result in 8,000 fewer new automobiles sold annually in CYs 2021-2032, but that the used vehicle fleet would grow by 512,000 vehicles per year. That means that for every new fuel-efficient vehicle that consumers do not purchase (because NHTSA predicts their costs will be too high), somehow an

additional 60 used vehicles will remain in the fleet. Do you agree that this scenario is simply implausible in the real world, as the EPA document points out? If not, why not? Was this problem remedied in the proposed rule? If so, how? If not, will you ensure that it is remedied before the EPA rule is finalized in order to avoid litigation that will result in the rule being overturned on grounds that the model on which it is based is significantly or fundamentally flawed?

- j. In draft comments submitted to OMB on June 29, EPA commented that more than 90% of the net benefits for which the proposed rule to freeze fuel economy and greenhouse gas tailpipe standards takes credit are in fact benefits associated with vehicles manufactured prior to 2021. EPA attributed this to NHTSA's flawed consumer choice model, and questioned whether these could technically be attributable to the actual post-2021 rule. What would the net benefits of the preferred alternative— and for each of the other seven alternatives included in the NPRM — be if the agencies were to compare the costs to the benefits of cars manufactured within the MY 2021-29 cohort timeframe?

(b) (5)

22. On March 14, 2018, I wrote with several of my colleagues to former EPA Administrator Scott Pruitt about our deep concern over the reversal of the EPA's longstanding policy under Section 112 of the Clean Air Act to continuously regulate hazardous air pollution from major industrial sources. We believe revoking the "once in, always in" policy will lead to greater levels of arsenic, lead, mercury, and almost two hundred other air toxic pollutants in communities around the United States. In the letter, we asked that the "once in, always in" policy be reinstated at least until EPA has performed, and received public comment on, a thorough analysis of the expected increases in air toxic pollution and its corresponding impacts on human health.
- a. When former EPA Administrator Scott Pruitt was before the EPW Committee on January 30, 2018, he acknowledged the agency failed to do any analysis before making its ill-advised decision. Please provide all EPA analysis and modeling of the impacts of this policy change, including cancer and other human health effects, environmental effects, effects on state air pollution emissions, cost-benefit analysis, and effects on interstate emissions. If none still exists today, I request that EPA complete such analysis and provide a timeline for completion.
 - b. How many individual facilities in the country were considered a "major source" under Section 112 on January 24, 2018?
 - c. Please identify, as of January 24, 2018, how many of the "major source" facilities identified in question 1(b) had complied with one or more MACT standards with the result being the source no longer emits more than 10 tons per year of any hazardous air pollutant or more than 25 tons per year of any combination of hazardous air pollutants? Please group these facilities by source categories (for example, there were X number of chemical plants meeting a MACT standard that resulted in lower emissions than the major source threshold).
 - d. Please provide state-by-state data and a national total for facilities identified in 1(c)

- e. Please provide the potential maximum amount of pollution increases for all 187 hazardous air pollutants as a result of EPA's decision to revoke the "once in, always in" policy.
- f. How much additional particulate matter, ozone, lead and other criteria pollution will be added to the atmosphere as a result of revoking the "once in, always in" policy?
- g. Under the new memorandum, have any major source facilities in the power plant source category requested to be re-designated as an area source? If so, please provide a list of all such facilities, also indicating whether EPA has approved the re-designation.
- h. Under the new memorandum how many major sources facilities, other than facilities in the power plant source category, have asked to be re-designated as an area source? Please provide a list of all facilities, also indicating whether EPA has approved the re-designation.

(b) (5)

(b) (5)

(b) (5)

25. During the August 1, 2018 EPW hearing, you fielded several questions from my colleagues on the Renewable Fuel Standard (RFS). Several times you mentioned that under your leadership, EPA would focus more on transparency when it comes to implementing the RFS program. This is welcome news

since I've tried to get EPA to take this step for years. However, I am concerned that you may only be focused on transparency when it comes to the small refinery waiver process and not the entire program. I remain concerned about the volatility in the RFS compliance trading system used by EPA, known as the Renewable Identification Number (RIN) market, and believe market transparency is a big part of the solution.

- a. In your answers, you talked about creating a dashboard –without disclosing proprietary information – on who is getting the small refinery waivers and why. Can you discuss further what this dashboard may look like and a timeline on when it may be released?

(b) (5)

- b. The State of California has created a dashboard to provide weekly, monthly, quarterly and annually trading data for its own renewable fuel program. After talking to many stakeholders involved in that process, it seems that California's renewable fuel trading dashboard has been able to provide valuable insight into trading and helped reduced market volatility. EPA could implement something similar for the RFS RIN trading market. Is EPA considering a RIN dashboard that provides the public weekly, quarterly and annual RIN trading data? If not, why not?

(b) (5)

- c. What further transparency measures is the EPA considering regarding the RFS program?

(b) (5)

(b) (5)

32. Administrator Wheeler, during questioning, I discussed with you small refinery exemptions awarded to petitioners for the reason of disproportionate economic hardship. When EPA conducts its analysis to determine disproportionate economic hardship, please clarify if the EPA compares the high cost of compliance to only small refiners (those that produce 75,000 barrels of crude per day) or if the EPA compares the high cost of compliance to the entire refining industry.

(b) (5)

39. In April, EPA issued a policy statement announcing that it would proactively address congressional directives and stakeholder concerns, by treating biogenic emissions from forest biomass as carbon neutral in a forthcoming regulatory action. What is the timeframe in which we can expect the proposed regulation will issue?

(b) (5)

65. As you know, many of former Administrator Pruitt's proposed rulemakings have generated lawsuits from outside groups due to their questionable legality. You recognized the questionable legality of at least one of these rules in reversing former Administrator Pruitt's decision to lift the sales limits on so

called “glider trucks.” Given that many of former Administrator Pruitt’s rules and proposed rulemakings were based on the same questionable legal ground as the glider trucks rule, please describe your plan, including a timeline, for withdrawing all other proposed rulemakings signed by former Administrator Pruitt.

(b) (5)

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: **Ex. 6**

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Message

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]
Sent: 6/25/2018 10:39:55 PM
To: Francis.J.Brooke **EOP / Ex. 6**; Aaron.L.Szabo **EOP / Ex. 6**
Subject: Fwd: DRAFT RFS Materials
Attachments: RFS 2019 Press Statement_DRAFT.docx; ATT00001.htm; 2019 RFS NPRM Roll Out Plan_DRAFT.docx; ATT00002.htm

FYI

Sent from my iPhone

Begin forwarded message:

From: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>
Date: June 25, 2018 at 6:31:22 PM EDT
To: "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Ferguson, Lincoln" <ferguson.lincoln@epa.gov>, "Block, Molly" <block.molly@epa.gov>, "Daniell, Kelsi" <daniell.kelsi@epa.gov>, "Hewitt, James" <hewitt.james@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>, "Konkus, John" <konkus.john@epa.gov>, "Beach, Christopher" <beach.christopher@epa.gov>
Cc: "Dominguez, Alexander" <dominguez.alexander@epa.gov>
Subject: DRAFT RFS Materials

Hi All: Attached are draft press materials (roll out and press statement). Y'all take a look and edit as needed. Note the current plan is to roll out at 2 PM (the roll out doc says differently). This can be adjusted. I just want to make sure there is enough time for the RVO to get through the signature process.

Mandy M. Gunasekara
Principal Deputy Assistant Administrator
Office of Air and Radiation
US Environmental Protection Agency

Message

From: Gordon, Stephen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7C8FB4D82BFF4EEC98F5C5D00A47F554-GORDON, STE]
Sent: 8/27/2018 3:48:28 PM
To: Dickerson, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d0440d9f06994021827e0d0119126799-Dickerson,]; Molina, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d19c1d68da1a4587866e1850f22a6ae5-Molina, Mic]; Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]; Kunding, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3c9a5d16e2244079e222f342bf9992f-Kunding,]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Memo and Talkers for Ohio
Attachments: Ohio Memo August 28.docx; OCSPP TPs for Admin. Wheeler KY & OH Visits.docx; OAR OH Travel Briefing_Draft (v2).docx; WOTUS_082218.docx; WOTUS Comments_Ohio_082218.docx; Lake Erie Listing OH_082218.docx; PFAS OH_082218.docx; HABS OH_082218.docx; H.R. 6476, the Light-Duty Natural Gas Vehicle Parity Act of 2018.pdf; Sen Inhofe Ltr to EPA and OMB 7.18.18 (4).pdf; Zanesville RSVP List.xlsx; US EPA Ohio Chamber List.xlsx

All,

Please see the attached memo and talkers for the Ohio trip tomorrow. Thanks so much.

-Stephen

Stephen L. Gordon Jr.
Deputy Director for Public Engagement
Office of the Administrator
U.S. Environmental Protection Agency

Ex. 6

Gordon.Stephen@epa.gov

Message

From: Ringel, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1654BDC951284A6D899A418A89FB0ABF-RINGEL, AAR]
Sent: 7/20/2018 2:43:57 PM
To: Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Greaves, Holly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abcb6428b3df40a9a78b059a8ba59707-Greaves, Ho]
CC: Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Hanson, Paige (Catherine) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=95adc1b2ac3b40ab9dc591801d594df8-Hanson, Cat]
Subject: DRAFT-DELIBERATIVE E&C Budget Hearing QFRs for Internal Review
Attachments: 07-20-2018 - QFR_Pruitt_Responses_OCIR DRAFT V1.docx

All,

Attached are the draft E&C QFR responses from Pruitt's budget hearing on April 26th for final internal review before sending to OMB. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Plan is to send them over to OMB by Tuesday next week to start their review process.

Thanks,
Aaron

Aaron E. Ringel
Deputy Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

W: 202.564.4373
Ringel.Aaron@epa.gov

Message

From: Gordon, Stephen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7C8FB4D82BFF4EEC98F5C5D00A47F554-GORDON, STE]
Sent: 8/9/2018 5:18:32 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Molina, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d19c1d68da1a4587866e1850f22a6ae5-Molina, Mic]; Kunding, Kelly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e3c9a5d16e2244079e222f342bf9992f-Kunding,]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Hewitt, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=41b19dd598d340bb8032923d902d4bd1-Hewitt, Jam]; Dickerson, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d0440d9f06994021827e0d0119126799-Dickerson,]; Beach, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6b124299bb6f46a39aa5d84519f25d5d-Beach, Chri]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Iowa Memo and Talkers
Attachments: Iowa Memo August 13 Final.docx; Final RFS Memo_AW Iowa State Fair_August 2018_ Draft (V1).docx; ISF Map.pdf; Epa Signs Rule Relieving Farmers From Reporting Article.docx; OLEM-CERCLA-EPCRA REPORTING REQUIREMENTS.July 2018 (003) REVISED.docx; Waters of the United States Rulemaking_Applicability Date fact sheet.docx; Administrator 1 pager for IA Antideg WQS 11-29-17_clean.docx; Summary of Comments Received - Iowa.docx; OW-1 WOTUS.7.25.18.docx; Iowa AIP Issue Paper_080818 final.docx; Iowa NRS Issue paper_080818 final.docx; 2018-08-08 R7 Hot Issue - Iowa - CCR Permit Status.docx; 2018-08-08 R7 Hot Issue - Iowa - NAAQS Lead Attainment Redesignation.docx

All,

Attached is the final memo and talkers for Administrator Wheeler's trip to Iowa on Monday.

-Stephen

Stephen L. Gordon Jr.
Deputy Director for Public Engagement
Office of the Administrator
U.S. Environmental Protection Agency

Ex. 6

Gordon.Stephen@epa.gov

Message

From: Ringel, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1654BDC951284A6D899A418A89FB0ABF-RINGEL, AAR]
Sent: 4/23/2018 8:44:42 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Bodine, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8c2cc6086fcc44c3be6b5d32b262d983-Bodine, Sus]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]; Rodrick, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6515dbe46dae466da53c8a3aa3be8cc2-Rodrick, Ch]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Shimmin, Kaitlyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=becb3f33f9a14acd8112d898cc7853c6-Shimmin, Ka]; Traylor, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6d06c6b766c4b4b8bfd6b0fea4b998-Traylor, Pa]
Subject: RE: Updated Program Cheat Sheet Doc
Attachments: 04-23-2018 - House Budget Hearing Program Cheat Sheets V11.docx

Updated version with Susan's text from below attached.

-Aaron

From: Jackson, Ryan
Sent: Monday, April 23, 2018 3:30 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Subject: RE: Updated Program Cheat Sheet Doc

Cool beans. We'll update.

From: Bodine, Susan
Sent: Monday, April 23, 2018 3:26 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Subject: RE: Updated Program Cheat Sheet Doc

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Ringel, Aaron
Sent: Monday, April 23, 2018 2:55 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>
Subject: RE: Updated Program Cheat Sheet Doc

Ryan, looping in Susan and Patrick

Deliberative Process / Ex. 5

-Aaron

From: Jackson, Ryan
Sent: Monday, April 23, 2018 2:53 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: RE: Updated Program Cheat Sheet Doc

Deliberative Process / Ex. 5

From: Ringel, Aaron
Sent: Monday, April 23, 2018 2:49 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Updated Program Cheat Sheet Doc

Here's an updated version

Deliberative Process / Ex. 5

We will have the updated table of contents along with this documents printed for both your binder and the admins so we swap them out.

Aaron E. Ringel
Deputy Associate Administrator

*Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency*

W: 202.564.4373

Ringel.Aaron@epa.gov

Message

From: Shimmin, Kaitlyn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BECB3F33F9A14ACD8112D898CC7853C6-SHIMMIN, KA]
Sent: 4/19/2018 9:53:17 PM
To: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: FW: Administrator Hearing Prep Binder Docs
Attachments:

Deliberative Process / Ex. 5

Here is what is in your binder just so it will be on the top of your inbox for editing purposes.

Kaitlyn Shimmin

Special Assistant Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: **Ex. 6**

Shimmin.Kaitlyn@epa.gov

From: Ringel, Aaron

Sent: Thursday, April 19, 2018 12:53 PM

To: Jackson, Ryan <jackson.ryan@epa.gov>

Cc: Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>

Subject: Administrator Hearing Prep Binder Docs

Ryan, attached are the documents we are planning on putting in the Administrator's binder for HEC/HAC hearing prep. I've outlined below relevant notes about each and any outstanding docs or actions that need to be taken. We'll have a final binder available for him to review tomorrow pending any changes you might want made.

-
-
- **Deliberative Process / Ex. 5**
-

-Aaron

Aaron E. Ringel

Deputy Associate Administrator

*Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency*

W: 202.564.4373

Ringel.Aaron@epa.gov

Message

From: Brown, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9242D85C7DF343D287659F840D730E65-BROWN, BYRO]
Sent: 8/21/2017 9:10:26 PM
To: Greaves, Holly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abcb6428b3df40a9a78b059a8ba59707-Greaves, Ho]
CC: Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]
Subject: RE: Senate - budget impact statements for your review
Attachments: Budget-FY18 Senate Approps EPA Comments-082117-Byron.docx

A couple more edits and comments.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

FYI –

I did not review the entry for the draft CTG for oil and gas due to my recusal.

From: Greaves, Holly
Sent: Monday, August 21, 2017 3:53 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Senate - budget impact statements for your review

Thanks Byron! Mandy has provided edits and has a major change for RFS.

Sent from my iPhone

On Aug 21, 2017, at 3:14 PM, Brown, Byron <brown.byron@epa.gov> wrote:

I am working through these.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Greaves, Holly
Sent: Monday, August 21, 2017 11:13 AM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: RE: Senate - budget impact statements for your review

Hi Byron, I know you are just returning from vacation; however, do you have time to respond to this by COB today?

Thanks,

Holly

From: Greaves, Holly
Sent: Monday, August 14, 2017 3:49 PM
To: Brown, Byron <brown.byron@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Senate - budget impact statements for your review

Hi Byron,

I know this is at the heels of the QFRs, but we have another congressional request that needs your review for factual accuracy and consistency with Administration direction. The due date is **next Monday, August 21st**. I know you are on vacation this week, so if there is someone else who can pinch hit or if you need more time please let me know. These are slated to go to Ryan on the 22nd.

Specifically, the senate budget appropriations committee sent over suggested language to be included as report language in a 2018 appropriations bill (or potentially bill language) on a variety of subjects. They would like our comments/feedback to understand the impact of including such language.

The EPA career staff has analyzed the language and by provided a response within sections under each issue titled "Description of What the Language Does" and "Potential Implications" . I am asking for your technical review of the response, again to ensure factual accuracy and concurrence with this Administration's direction.

The topics within the attached document that you are responsible for are listed below. Note, some are listed twice as there may be multiple requests related to slightly different language.

- Contaminants of Emerging Concern (p. 5)
- Anaerobic Digesters (p.7)
- UIC Database
- 82 Fed. Reg. 3388

Please let me know if you have any questions. Thank you in advance!

Holly

Appointment

From: Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]
Sent: 10/12/2018 2:44:28 AM
To: Sutton, Tia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25e87403f63143acbb959446512a372c-Sutton, Tia]; Wiggins, Lanelle [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ff03ebbb87143a9b2803faf6551584a-Wiggins, Lanelle]; Lamson, Amy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b4e08da7ba9d4c2b9c54c28cbc9879f8-Lamson, Amy]; Schefski, Melissa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c5b5d99a44cd491d99fcca65be54e601-Katz, Melissa]; Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]; Burkholder, Dallas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=667ef175292d4784997e454a9985b3b3-Burkholder, Dallas]; Nagelhout, Peter [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac91f9e8081043ddb90277b19047c84c-PNagelho]; Li, Ryland (Shengzhi) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7cf0eac9d34b446f88e03f8ec48274f1-Li, Shengzh]; Adams, Darryl [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2dee7c4c2dad4012b9176f91f7716ee1-Dadams03]
CC: OP ADP Calendar [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=af50820711fc45cea9973d8219ea9d58-OP ADP Cale]; Corrales, Mark [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1ea2aab1b6ef46d1938a9d447fb2fdb6-Corrales, Mark]; Rivera, Reiniero [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3ba84fd5ef334e78ab4de686278740f6-Rivera, Reiniero]
BCC: DCRoomARN6524/DC-OAR-OTAQ-IO [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=userd96bca46]
Subject: FAR for RFS 2019 RVO Final Rule
Attachments: FAR Memo for RFS 2019 RVO FRM.pdf; 2019 FRM Draft 10.16.18.docx
Location: DCRoomARN6524/DC-OAR-OTAQ-IO
Start: 10/22/2018 8:00:00 PM
End: 10/22/2018 9:00:00 PM
Show Time As: Busy

Please see attached for FAR Memo and the draft FRM.

FAR Meeting for the 2019 RFS RVO Final Rule – we will meet in 6524 WJC North, and use the following conference line:

Call-in:

Conference Line / Ex. 6

 code:

Conference Line Code / Ex. 8

Message

From: Sutton, Tia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=25E87403F63143ACBB959446512A372C-SUTTON, TIA]
Sent: 11/9/2018 7:16:33 PM
To: Burkholder, Dallas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=667ef175292d4784997e454a9985b3b3-Burkholder, Dallas]
Subject: RE: Looking for some outstanding letters
Attachments: AL 18-000-9263 Young+5.pdf; AL-18-000-9522 Inhofe+20.pdf; AL-18-000-5844 Thune+4.pdf

Hey Dallas,
Incomings for the 3 letters below are attached.

Who's got it?	Control Number	Member	R/D/I	Subject
w/Dallas	AL-18-000-5844	Thune +4 (EPW)	R	Deliberative Process / Ex. 5
w/Dallas	AL-18-000-9522	Inhofe + 20	R	
w/Dallas	AL-18-000-9263	Young + 5(EPW)	R	

Thanks!
-Tia

Message

From: Sutton, Tia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=25E87403F63143ACBB959446512A372C-SUTTON, TIA]
Sent: 6/26/2018 7:30:41 PM
To: Stahle, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b25318c6014d4fb985288e15143c8596-SSTAHLE]
Subject: RE: Delta/Monroe & PBF meeting for 6/27 at 2:30

Perfect – we can see what Chris’ take on all of this is. And if he wants us to get something in front of Bill for tomorrow (I assume so).

From: Stahle, Susan
Sent: Tuesday, June 26, 2018 3:20 PM
To: Sutton, Tia <sutton.tia@epa.gov>
Subject: RE: Delta/Monroe & PBF meeting for 6/27 at 2:30

Hi –

Yes, I will be on the phone for the meeting with Chris today so I can mention this in the context of updating him on the [Deliberative Process / Ex. 5] ahead of updating Bill W [Deliberative Process / Ex. 5] on Thursday.

Good question on the meeting invite – I’m not sure on that. I just want to make sure Bill W knows that [Deliberative Process / Ex. 5] May help to hear what Chris thinks.

Susan Stahle
Attorney-Advisor
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-1272 (ph)
202-564-5603 (fax)
stahle.susan@epa.gov

From: Sutton, Tia
Sent: Tuesday, June 26, 2018 3:14 PM
To: Stahle, Susan <Stahle.Susan@epa.gov>
Subject: RE: Delta/Monroe & PBF meeting for 6/27 at 2:30

Thanks, Sue! Will you be at the 4pm with Chris today? If so, do you want to mention this?
I’m also wondering if either a) [Deliberative Process / Ex. 5] and/or b) would it be better if [Deliberative Process / Ex. 5]?

From: Stahle, Susan
Sent: Tuesday, June 26, 2018 2:16 PM
To: Sutton, Tia <sutton.tia@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Charmley, William <charmley.william@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Birgfeld, Erin <Erin.Birgfeld@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Lie, Sharyn <Lie.Sharyn@epa.gov>; Borgert, Kyle <borgert.kyle@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Korotney, David <korotney.david@epa.gov>; Orlin, David

<Orlin.David@epa.gov>; Fujii, Kristen <Fujii.Kristen@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Anderson, Robert <Anderson.Robert@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Sobel, Aaron <Sobel.Aaron@epa.gov>; Master, Barbora <Master.Barbora@epa.gov>; Maynard, Rachel <maynard.rachel@epa.gov>; Boylan, Thomas <boylan.thomas@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Larson, Ben <Larson.Ben@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Levy, Aaron <Levy.Aaron@epa.gov>; Greenglass, Nora <Greenglass.Nora@epa.gov>
Subject: RE: Delta/Monroe & PBF meeting for 6/27 at 2:30

Hi --

Deliberative Process / Ex. 5

Susan Stahle
Attorney-Advisor
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-1272 (ph)
202-564-5603 (fax)
stahle.susan@epa.gov

From: Sutton, Tia
Sent: Tuesday, June 26, 2018 12:10 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Charmley, William <charmley.william@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Lie, Sharyn <Lie.Sharyn@epa.gov>; Borgert, Kyle <borgert.kyle@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Korotney, David <korotney.david@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Fujii, Kristen <Fujii.Kristen@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Anderson, Robert <Anderson.Robert@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Sobel, Aaron <Sobel.Aaron@epa.gov>; Master, Barbora <Master.Barbora@epa.gov>; Maynard, Rachel <maynard.rachel@epa.gov>; Boylan, Thomas <boylan.thomas@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Larson, Ben <Larson.Ben@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Levy, Aaron <Levy.Aaron@epa.gov>; Greenglass, Nora <Greenglass.Nora@epa.gov>
Subject: Delta/Monroe & PBF meeting for 6/27 at 2:30

As mentioned during the 11am meeting, attached is the Delta/Monroe & PBF meeting request that just came in for Bill Wehrum, for tomorrow at 2:30. The following folks will be coming in:

- Grame Burnett- Delta's SVP of Fuel/Chairman of the Board of Monroe Energy
- Tom Nimbley - PBF's CEO

Will add this to the agenda for the 4pm with Chris and we can figure out OTAQ attendees.

From: Sutton, Tia

Sent: Tuesday, June 26, 2018 10:18 AM

To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Dubois, Roland <Dubois.Roland@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Le, Madison <Le.Madison@epa.gov>; Charmley, William <charmley.william@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Simon, Karl <Simon.Karl@epa.gov>; Birgfeld, Erin <Birgfeld.Erin@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Lie, Sharyn <Lie.Sharyn@epa.gov>; Borgert, Kyle <borgert.kyle@epa.gov>; Burch, Julia <Burch.Julia@epa.gov>; Korotney, David <korotney.david@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Fujii, Kristen <Fujii.Kristen@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Sargeant, Kathryn <sargeant.kathryn@epa.gov>; Patulski, Meg <patulski.meg@epa.gov>; Anderson, Robert <Anderson.Robert@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Sobel, Aaron <Sobel.Aaron@epa.gov>; Master, Barbora <Master.Barbora@epa.gov>; Maynard, Rachel <maynard.rachel@epa.gov>; Boylan, Thomas <Boylan.Thomas@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Larson, Ben <Larson.Ben@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Levy, Aaron <Levy.Aaron@epa.gov>; Greenglass, Nora <Greenglass.Nora@epa.gov>

Subject: Agenda for 11am weekly fuels

Agenda below, and agenda for the Thursday Wehrum visit is attached again.

We'll also discuss agenda items for today's Chris weekly, and I'll get an agenda out to Chris & everyone early this afternoon.

Agenda for Tuesday, 6/26 Weekly Fuels Meeting

Call-in: (202) 991-0477, code: 9257281

- Rulemaking status updates
 - 2019 RVO NPRM – rule status, hearing, head-banging
 - Sorghum FRM
- Topics for Chris Weekly (**today at 4pm**)
 - RVO update
 - 204 Report update
 - Streamlining update
 - Prebrief/discussion on RIN economics & CKF briefings for Thursday
- Topics for Bill W (Thursday, 6/28) Weekly
 - RVO rule next steps
 - Reset stakeholder meetings
 - 204 Report (if not out by Weds)
 - **PBI / Ex. 4** eligibility issue
 - *See agenda for other 6/28 briefings*
- Small refinery hardship (needed??)
- Divisional Readouts—
 - IO
 - TCD
 - ASD
 - CD
 - OGC
- Upcoming meetings & briefings:
 - 6/26 – ADM meeting with Bill W, 2pm
 - 6/26 – Weekly Fuels with Chris, 4pm
 - 6/28 – Bill W in Ann Arbor

- OTAQ Fuels Weekly – 10am
- Corn Kernel Fiber – 12:15pm
- RFS Economics/Trading Discussion – 1:15pm
- Litigation update for Bill W –July 5
- E15 RVP refresher for Bill – July 12
- REGS rule with Bill – July 13

Message

From: Sutton, Tia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=25E87403F63143ACBB959446512A372C-SUTTON, TIA]
Sent: 2/21/2018 7:02:19 PM
To: Thundiyil, Karen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=25cfc85adc76406db1ddf8a5232eb5e8-KTHUNDIY]
Subject: RE: Exemptions for Small Refineries issue

I'm jumping on a slew of calls til 5pm, but we can chat after that or tomorrow if you want more background on my "after what happened last year" (or Pat can give you the lowdown).

From: Thundiyil, Karen
Sent: Wednesday, February 21, 2018 1:47 PM
To: Sutton, Tia <sutton.tia@epa.gov>
Cc: Burch, Julia <Burch.Julia@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>
Subject: RE: Exemptions for Small Refineries issue

Okay – thank you.

Karen.

From: Sutton, Tia
Sent: Wednesday, February 21, 2018 1:30 PM
To: Thundiyil, Karen <Thundiyil.Karen@epa.gov>
Cc: Burch, Julia <Burch.Julia@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>
Subject: RE: Exemptions for Small Refineries issue

No – and I don't think we want to get into that at all (the "we'll move forward as quickly as possible" is about all that I think we want to say...esp given how things went last year timing-wise).

From: Thundiyil, Karen
Sent: Wednesday, February 21, 2018 1:22 PM
To: Sutton, Tia <sutton.tia@epa.gov>
Cc: Burch, Julia <Burch.Julia@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>
Subject: RE: Exemptions for Small Refineries issue

Thanks. Any language about timing of the petition response given the March 31st deadline?

From: Sutton, Tia
Sent: Wednesday, February 21, 2018 1:14 PM
To: Thundiyil, Karen <Thundiyil.Karen@epa.gov>
Cc: Burch, Julia <Burch.Julia@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>
Subject: RE: Exemptions for Small Refineries issue

Hey Karen,

Sorry for the delay – wanted to make sure our team & OGC were cool w/ what I drafted. Since March 31st is right around the corner (deadline for CY2017 compliance), I doubt this is the last of these types of inquiries that Christian/you guys will get. So, went ahead and drafted a response that you can use for all of these types of inquiries prior to us issuing decisions, and this is consistent with our recent response to Sen. Casey (you'll of course need to edit the places where I've put brackets to match the inquiry):

Ex. 5 - Deliberative Process

Thanks!

-Tia

From: Thundiyil, Karen

Sent: Wednesday, February 21, 2018 8:33 AM

To: Burch, Julia <Burch.Julia@epa.gov>; Sutton, Tia <sutton.tia@epa.gov>

Subject: Exemptions for Small Refineries issue

Hi Tia and Julia,

Christian got an inquiry from Sen Young's office about a small refinery exemption.

They say their Indiana stakeholder (Calumet) is concerned about the lack of updates from EPA on their four pending small refiner exemption petitions given the pending RIN compliance date. What do you have that can be shared about:

Superior, Wisconsin (filed August 9, 2017)

Shreveport, Louisiana (filed September 29, 2017)

San Antonio, Texas (filed October 22, 2017)

Great Falls, Montana (filed December 21, 2017).

Thank you!

Karen.

Message

From: Ringel, Aaron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1654BDC951284A6D899A418A89FB0ABF-RINGEL, AAR]
Sent: 12/20/2018 5:06:33 PM
To: Traylor, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6d06c6b766c4b4b8bfd6b0fea4b998-Traylor, Pa]; Bodine, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8c2cc6086fcc44c3be6b5d32b262d983-Bodine, Sus]
CC: Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: AW SEPW QFR Updates - OECA
Attachments: 2018.10.04 - EPA MANAGEMENT REVIEW - FINAL OMB REVIEW - ALL Wheeler QFRs 08.01.2018.docx
Flag: Follow up

Team OECA,

AA Wheeler went through the QFRs and had updates he needs made before we can get them submitted. I've pasted the relevant questions for your program office below that need edits and attached the doc for reference.

We need to get these turned in by next Friday so we can move forward with his confirmation hearing.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

if you could turn these around in next couple days so we can do a final review and get sign off it would be greatly appreciated. Please let myself, Christian, or Tony know if you have any questions.

Best,
Aaron

Aaron E. Ringel
Deputy Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

W: 202.564.4373
Ringel.Aaron@epa.gov

Senator Markey:

54. News media^[1] and advocacy groups^[2] have uncovered a major shift in EPA enforcement activities since January 2017. As the EPA is tasked with protecting public health and the environment, a rapid decrease in activities meant to prevent and penalize pollution is cause for significant concern.

^[1] Lipton, Eric, and Danielle Ivory. "Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers." The New York Times. December 10, 2018. <https://www.nytimes.com/2017/12/10/us/politics/pollution-epa-regulations.html>

^[2] Environmental Integrity Project. "Civil Penalties Against Polluters Drop 60 Percent So Far Under Trump." August 10, 2017. As visited on January 18, 2018. <https://www.environmentalintegrity.org/news/penalties-drop-under-trump/>

- a. Can you provide a justification for the memo^[3] that directs EPA investigators to seek special authorization from the EPA Office of Enforcement and Compliance Assurance (OECA) headquarters for requests for information in circumstances where state authorities object to the request or the interpretation of the law, the media or politicians may be interested in the request, or requests will require sampling or testing beyond that already required by law and not completed by the entity?

Ex. 5 - Deliberative Process

- h. Please provide a detailed list of occasions where, since January 2017, the EPA withdrew or accepted lower civil monetary penalties than were recommended under the previous administration and the rationale for these decisions.

Ex. 5 - Deliberative Process

.....

Message

From: Branning, Hannah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A568A722D33649DFA02F3DC95CD7A3FD-BRANNING, HANNAH]
Sent: 8/20/2018 1:37:40 PM
To: Bodine, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8c2cc6086fcc44c3be6b5d32b262d983-Bodine, Sus]; Starfield, Lawrence [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8a89d6cd217d4254a5879abecb3f314e-Starfield, Lawrence]; Traylor, Patrick [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6d06c6b766c4b4b8bdfd6b0fea4b998-Traylor, Pa]
CC: Shiffman, Cari [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=645f74d11eec4eba9337cb5734ad6098-Shiffman, Cari]
Subject: Transcript from Acting Administrator Wheeler's 8/1/18 Hearing
Attachments: Wheeler 8.1.18 Senate Hearing.pdf

All,

Attached is a copy of the transcript from Acting Administrator Wheeler's August 1, 2018 Senate Hearing.

Thanks,

Hannah Branning, MSc.
Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW MC 2201A
Washington, DC 20460

Office: (202) 564-3317 | Cell:

Ex. 6

Message

From: Traylor, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6D06C6B766C4B4B8BFD6B0FEA4B998-TRAYLOR, PA]
Sent: 4/20/2018 3:25:17 PM
To: Bodine, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8c2cc6086fcc44c3be6b5d32b262d983-Bodine, Sus]
Subject: Fwd: Administrator's Hearing Prep - Program Office Summary Sheets for Review
Attachments: 04-20-2018 - House Budget Hearing Program Cheat Sheets V6 OGC Edits.docx; ATT00001.htm

FYSA. No specific enforcement section, though some of the program issues touch on enforcement (e.g., Superfund, GenX). It's a useful high-level overview of what's going on at EPA.

Patrick Traylor

Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
(202) 564-5238 (office)
Ex. 6 cell)

Begin forwarded message:

From: "Ringel, Aaron" <ringel.aaron@epa.gov>
Date: April 20, 2018 at 10:03:17 AM CDT
To: "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Traylor, Patrick" <traylor.patrick@epa.gov>, "Beck, Nancy" <Beck.Nancy@epa.gov>, "Kelly, Albert" <kelly.albert@epa.gov>, "Cook, Steven" <cook.steven@epa.gov>, "Yamada, Richard (Yujiro)" <yamada.richard@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Burke, Marcella" <burke.marcella@epa.gov>
Cc: "Greaves, Holly" <greaves.holly@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Shimmin, Kaitlyn" <shimmin.kaitlyn@epa.gov>, "Rodrick, Christian" <rodrick.christian@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>, "Frye, Tony (Robert)" <frye.robert@epa.gov>, "Falvo, Nicholas" <falvo.nicholas@epa.gov>, "Hanson, Paige (Catherine)" <hanson.catherine@epa.gov>, "Feeley, Drew (Robert)" <Feeley.Drew@epa.gov>
Subject: RE: Administrator's Hearing Prep - Program Office Summary Sheets for Review

All, attached is the updated version with OGC's edits. If you haven't had a moment to review please do so before noon today. We are going to be compiling the Administrators binder this afternoon and plan to give him a copy by COB today for review over the weekend.

Best,

-Aaron

From: Ringel, Aaron
Sent: Thursday, April 19, 2018 4:52 PM
To: Mandy Gunasekara (<Gunasekara.Mandy@epa.gov>); Lee Forsgren (<Forsgren.Lee@epa.gov>); Traylor, Patrick (<traylor.patrick@epa.gov>); Beck, Nancy (<beck.nancy@epa.gov>); Kelly, Albert (<kelly.albert@epa.gov>); Cook, Steven (<cook.steven@epa.gov>); Yamada, Richard (Yujiro) (<yamada.richard@epa.gov>); Bolen, Brittany (<bolen.brittany@epa.gov>); Burke, Marcella (<burke.marcella@epa.gov>)

Cc: Greaves, Holly <greaves.holly@epa.gov>; Troy Lyons (lyons.troy@epa.gov) <lyons.troy@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Christian Rodrick (Rodrick.Christian@epa.gov) <Rodrick.Christian@epa.gov>; Christian Palich (palich.christian@epa.gov) <palich.christian@epa.gov>; Tony Frye (frye.robert@epa.gov) <frye.robert@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Feeley, Drew (Robert) <Feeley.Drew@epa.gov>

Subject: Administrator's Hearing Prep - Program Office Summary Sheets for Review

Importance: High

Colleagues,

Attached is a program office summary document with topics we wanted to highlight for the administrator during his hearing prep next week. This is similar to what we have prepared for his use during previous hearings and takes into account likely policy based questions we expect.

Please take a moment to review/make edits in your relevant areas. We are planning to have this finalized for Ryan's review by tomorrow so if you could return with any comments by noon on Friday it would be greatly appreciated. Please feel free to reach out if you have any questions.

Best,
Aaron

Aaron E. Ringel

Deputy Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

W: 202.564.4373

Ringel.Aaron@epa.gov

Message

From: Traylor, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6D06C6B766C4B4B8BFD6B0FEA4B998-TRAYLOR, PA]
Sent: 3/23/2018 6:43:48 PM
To: Phill Brooks (Brooks.Phillip@epa.gov) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e89130d467df414390f076286d938815-Brooks, Phillip]
Subject: FW: Small Refinery Exemptions

FYSA; close hold, please.

Patrick Traylor

Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
(202) 564-5238 (office)
Ex. 6 (cell)

From: Traylor, Patrick
Sent: Friday, March 23, 2018 2:18 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Clint Woods (cwoods@csg.org) <cwoods@csg.org>
Cc: Baptist, Erik <baptist.erik@epa.gov>
Subject: Small Refinery Exemptions

I understand that the total number of RINs that may be affected by the current batch of exemption letters is in excess of one billion. Being careful to stay in my lane here, has there been thought given to the potential for this level of exemption to move the market and whether at least a brief public statement should be made by EPA so that the whole marketplace has the same general information in terms of volume affected? Are there OCIR implications?

Patrick Traylor

Deputy Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
(202) 564-5238 (office)
Ex. 6 (cell)

Message

From: Sopata, Joe [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4C7F99B2B5594810B4F656C8450C1E0F-JSOPATA]
Sent: 1/31/2013 3:01:33 PM
To: Weihrauch, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=74d426b7439045d9a0a65b186ea68b21-Jweihtau]
CC: Lindsay Fitzgerald [Fitzgerald.Lindsay@epa.gov]
Subject: Fw: 1/30 EPA Response pertaining to Pathways II [RIN 2060--AR21]
Attachments: EO12866_RFS Amendments 2060-AR21 NPRM FRN_20130130 Track Changes.docx; EO12866_RFS Amendments_2060-AR21 NPRM FRN_20130130 CLEAN.docx; High Level Responses to Tailoring Rule Comments.docx

FYI. Pathways II response to second round of their comments sent to OMB yesterday.

----- Forwarded by Joe Sopata/DC/USEPA/US on 01/31/2013 10:00 AM -----

From: Venu Ghanta/DC/USEPA/US
To: "Whiteman, Chad" <Ex. 6>
Cc: Sharyn Lie/DC/USEPA/US@EPA, Joe Sopata/DC/USEPA/US@EPA, Karl Simon/DC/USEPA/US@EPA, Paul Argyropoulos/DC/USEPA/US@EPA, Glenn Farber/DC/USEPA/US@EPA, Nathaniel Jutras/DC/USEPA/US@EPA, John Hannon/DC/USEPA/US@EPA
Date: 01/30/2013 03:32 PM
Subject: 1/30 EPA Response pertaining to Pathways II [RIN 2060--AR21]

Hi Chad-

Deliberative Process / Ex. 5

Thanks, Venu



EO12866_RFS
Amendments 20...



EO12866_RFS
Amendments_20...



High Level
Responses to Ta...

Message

From: Venu Ghanta [Ghanta.VenuLNDU@usepa.onmicrosoft.com]
Sent: 1/10/2013 10:03:15 PM
To: Whiteman, Chad [REDACTED] **EOP / Ex. 6**
CC: Farber, Glenn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e0f9daca1358483dba4b75097a755282-gfarber]; Jutras, Nathaniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33ecf1cd934d4b18858a17e2099ceac7-NJutras6]; Lori Stewart [Stewart.LoriLNDU@usepa.onmicrosoft.com]; Sopata, Joe [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4c7f99b2b5594810b4f656c8450c1e0f-Jsopata]; Lie, Sharyn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=02041179e5dd4b9e9c5ea63701032c04-slie]; Weihrauch, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=74d426b7439045d9a0a65b186ea68b21-Jweihrau]
Subject: EPA Response pertaining to Pathways II [RIN 2060--AR21]
Attachments: EO12866_Interagency Comments_RFS_Amendments_NPRM_2060-AR21 - 01_09_2012 (clean copy).docx; EO12866_Interagency Comments_RFS_Amendments_NPRM_2060-AR21 - 01_09_2012 (Track Changes).docx

Hi Chad-

Please find clean and redline versions of our Pathways II passback attached. We are planning to have a phone call with you on Monday as well to discuss.

Regards,



EO12866_Intera... EO12866_Intera...
Comments_RFS... Comments_RFS...



Venu Ghanta
Office of Transportation and Air Quality
US Environmental Protection Agency
202-564-1374 (phone)